

EXHIBIT B

Middlesex Superior Court Records



**MIDDLESEX COUNTY
Docket Report**

**0281CR01821
Commonwealth vs. Davis, Barry L**

CASE TYPE:	Indictment	FILE DATE:	11/12/2002
ACTION CODE:	265/15A/A-1	CASE TRACK:	I - Inventory
DESCRIPTION:	A&B WITH DANGEROUS WEAPON c265 §15A(b)		
CASE DISPOSITION DATE	06/10/2004	CASE STATUS:	Closed
CASE DISPOSITION:	Disposed	STATUS DATE:	06/10/2004
CASE JUDGE:		CASE SESSION:	Criminal 1 Rm 430

LINKED CASE

DCM TRACK

Tickler Description	Due Date	Completion Date

PARTIES

Prosecutor Commonwealth	Attorney for the Commonwealth 641110 Gordon, Sean Federal Building Federal Building 11000 Wilshire Blvd. Suite 1700 Los Angeles, CA 90024 Added Date: 11/26/2002
Defendant Davis, Barry L	Private Counsel 567073 Flaherty, Daniel Paul Law Office of Daniel P. Flaherty Law Office of Daniel P. Flaherty 2464 Massachusetts Ave, 315C Cambridge, MA 02140 Work Phone (617) 868-0521 Added Date: 06/14/2004



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

PARTY CHARGES

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	09/10/2002 A&B WITH DANGEROUS WEAPON c265 §15A(b)	265/15A/A-1	Somerville	Guilty	04/09/2003
2	09/10/2002 A&B, SERIOUS BODILY INJURY c265 §13A(b)	265/13A/D-1	Somerville	Guilty	04/09/2003
3	09/10/2002 THREAT TO COMMIT CRIME c275 §2	275/2-0	Somerville	Guilty	04/09/2003

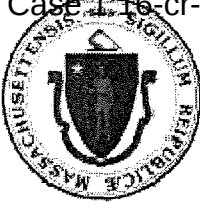
EVENTS

Date	Session	Event	Result	Resulting Judge
11/26/2002	Criminal 1 Rm 430	Arraignment	Held as Scheduled	
12/04/2002	Criminal 1 Rm 430	Bail Review	Held as Scheduled	
12/18/2002	Criminal 1 Rm 430	Status Review	Held as Scheduled	
01/15/2003	Criminal 1 Rm 430	Hearing	Held as Scheduled	
02/13/2003	Criminal 1 Rm 430	Evidentiary Hearing to Dismiss	Held as Scheduled	
02/26/2003	Criminal 1 Rm 430	Bail Review	Held as Scheduled	
04/04/2003	Criminal 1 Rm 430	Status Review	Rescheduled	
04/09/2003	Criminal 1 Rm 430	Hearing for Change of Plea	Held as Scheduled	
06/05/2003	Criminal 1 Rm 430	Hearing for Probation Report	Held as Scheduled	
07/24/2003	Criminal 1 Rm 430	Violation of Probation Hearing	Held as Scheduled	
08/12/2003	Criminal 1 Rm 430	Hearing for Probation Report	Held as Scheduled	
01/06/2004	Criminal 1 Rm 430	Violation of Probation Hearing	Canceled	
01/27/2004	Criminal 1 Rm 430	Violation of Probation Hearing	Not Held	
01/29/2004	Criminal 1 Rm 430	Violation of Probation Hearing	Held as Scheduled	
03/25/2004	Criminal 1 Rm 430	Hearing for Probation Report	Held as Scheduled	
04/15/2004	Criminal 1 Rm 430	Violation of Probation Hearing		
05/13/2004	Criminal 1 Rm 430	Violation of Probation Hearing	Rescheduled	
06/10/2004	Criminal 1 Rm 430	Hearing for Probation Report	Held as Scheduled	

FINANCIAL SUMMARY

No Financial Data for this report

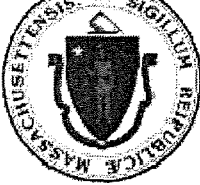
Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
Total				



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INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
11/12/2002	1	Indictment returned	
11/15/2002		Habeas corpus for Deft at Camb. Jail 11-26-02	
11/26/2002		Deft arraigned before Court	
11/26/2002		RE Offense 1:Plea of not guilty	
11/26/2002		RE Offense 2:Plea of not guilty	
11/26/2002		RE Offense 3:Plea of not guilty	
11/26/2002		The defendant is ordered held without bail without prejudice. By the Court (Grabau, J.)	
11/26/2002		Bail warning read	
11/26/2002	2	Affidavit of indigency filed; prepared by Kenya Scott; approved (Charles M. Grabau, Justice)	
11/26/2002	3	Notice of assignment of counsel filed.	
11/26/2002		Appearance of Commonwealth's Atty: Sean Gordon	
11/26/2002	4	Commonwealth files Statement of the Case	
11/26/2002	5	Commonwealth files Notice of Discovery I	
11/26/2002		Continued until December 04, 2002 for bail hearing	
12/02/2002		Habeas corpus for Deft at Camb. Jail 12-04-02	
12/04/2002		Continued until December 18, 2003 PTC	
12/04/2002		Rule 36 waived	
12/04/2002		Reporter present: Jacques, Robert	
12/04/2002	6	Motion by Deft: Ex Parte Motion For Funds With Affidavit Of Indigency.	
12/04/2002		Motion (P#6) allowed (Leila R. Kern, Justice). Cert. Copy Atty.	
12/04/2002	7	Motion by Deft: Motion And Judicial Order-- Re: Security Personnel: It is hereby ORDERED that any and all Security Personnel allow Attorney Glen P. Randall to bring a camera into the Cambridge Superior Courthouse and/or any holding cell so that he may take photographs of the defendant's injuries. (Leila Kern, Justice) Copy to Atty.	
12/04/2002	8	Commonwealth Files Notice Of Discovery II	
12/04/2002	9	Motion by Commonwealth: For An Order Of Pretrial Detention Or In The Alternative, Release With M.G.L. c. 276, S 58A(2) Conditions. Filed	
12/04/2002		Motion (P#9) Allowed (Leila R. Kern, Justice). Copies mailed	
12/18/2002		Continued until January 15, 2003 NEM	
12/18/2002		Reporter present: Welch, Maureen	
12/18/2002	10	Pre-trial conference report filed	
01/15/2003		Continued until February 13, 2003 Motion to Dism	



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01/15/2003		Reporter present: Landwer, Elizabeth
01/15/2003	11	Motion by Deft: to Dismiss count 1 and Count 3 insufficiency of evidence and distortion of Grand Jury Function with an affidavit and memorandum attached filed in court
01/15/2003		Motion (P#11) After hearing and review of the Grand Jury minutes and the photographic exhibits, the motion to dismiss is denied (Garsh,J)
02/13/2003	12	Motion by Deft: Exparte Motion for funds with an affidavit attached
02/13/2003		Motion (P#12) allowed not to exceed \$400 (Garsh,J)
02/13/2003	13	Commonwealth files opposition to defendants motion to dismiss
02/13/2003	14	Commonwealth files Notice of discovery III
02/19/2003		Habeas corpus for Deft at Middlesex County Jail for 2/26/03
02/19/2003		Habeas corpus for Deft at Middlesex County Jail for 2/26/03
02/26/2003	15	Habe: returned wo/service
02/26/2003		Parties came into court on defendants oral motion to reduce bail (Garsh,J) presiding ADA S Gordon Deft Counsel: G Randall after hearing by agreement of counsel bail reduced to \$1000 cash pursuant to MGL 276s87
02/26/2003		Conditions: 1)Abide by restraining order 2)No contact with commonwealth witness 3)Reporting to PO one time a week in person
02/26/2003		Mittimus issued
02/26/2003		Bail warning read
02/26/2003		Continued until 4-4-03 Status
02/26/2003		Reporter present: Leary, Mary
03/26/2003		Habeas corpus for Deft at Middlesex County Jail 04/04/03
03/27/2003		Continued until April 09, 2003 LC (Order Lucie B. Pasquale, C/M)
03/27/2003	16	Habeas corpus for Deft at Middlesex County Jail (Cambridge)
04/09/2003	17	Deft Files Sentencing Memorandum
04/09/2003	18	Waiver of defendants' rights copy to Joyce Coleman
04/09/2003		Plea of not guilty changed to guilty; accepted (Ball, J.) Commonwealth moves for sentence.
04/09/2003	19	Finding on plea of guilty (Ball, J.)
04/09/2003		RE Offense 1:Guilty plea
04/09/2003		RE Offense 2:Guilty plea
04/09/2003		RE Offense 3:Guilty plea
04/09/2003		Bail revoked



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04/09/2003		Defendant sentenced to Offense 002 Billerica House of Correction 2 1/2 years; 7 months to be served. The court deems this 7 months served as of this date 4/9/03. Probation fee waived for 7 months. This sentence is suspended for 2 years. Conditions of Probation - Batters Program to be paid for by the defendant -- Stay away from victim. Offense 001 & 003 2 years probation same terms as in 002 & concurrent with 002. (Carol S. Ball, Justice)
04/09/2003	20	Order On Statutory Fees Victim Witness Fee Imposed (\$90) Probation Supervision Fee or Community Service Batters's Treatment Program. So ORDERED (Carol S. Ball, Justice)
04/09/2003		Victim-witness fee assessed: \$90.00
04/09/2003		Reporter present: Leary, Mary
06/04/2003	20.1	Clerks Minutes on Probation Hearing (Pasquale,C/M) P.O. Stephe Mulloy continued to 07/24/03 for final surrender Assistant Clerk Matt. Day
06/05/2003	21	Statement of Appointment Name of Appointee: Joanne Walsh appointed as Counsel for Defendant (Lucie B Pasquale, C/M)
06/05/2003	22	Affidavit of indigency filed; approved (Lucie B Pasquale,C/M) P.O. Kenya Scott
06/05/2003	23	Notice of assignment of counsel filed. Joanne Walsh
06/05/2003		Appearance of Deft's Atty: Joanne M Walsh
06/05/2003		Reporter present: Lynch, Jr., John M.
07/24/2003	24	Agreed upon final surrender report filed
07/24/2003	25	Clerk's Minutes on Probation Hearing: Agnes,J Presiding PO Paul Cashman deft Atty Joann Walsh Final Surrender Hearing After hearing Violation dismissed at this time without prejudice
07/24/2003		Reporter present: Lynch, Jr., John M.
08/12/2003	26	Clerk's Minutes on Probation Hearing: (Agnes,J) Presiding PO P Cashman Deft Attorney Joanne Walsh Final Surrender Hearing VOP Found as a result of new arrest out of Lowell No contact with commonwealth witnesses or family in the case Restitution of \$500 ordered \$100 month to probation department continued probation April 2005
08/12/2003		Reporter present: Lynch, Jr., John M.
01/06/2004	27	Clerks Minutes on Probation Hearing Gershengorn, J. Presiding--Probation Officer Paul Cashman--Result: Off list at request of P.O. Court Reporter Karen Considine (LP/CM)
01/06/2004		Reporter present: Considine, Karen
01/27/2004	28	Request filed by probation for a warrant.
01/27/2004	29	VTP warrant issued
01/27/2004		Warrant was entered onto the Warrant Management System January 27, 2004
01/27/2004	30	Clerk's Minutes on Probation Hearing: (Gershengorn,J) Presiding PO P Cashman Defaulted in open court
01/27/2004		Reporter present: Considine, Karen



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01/29/2004		Warrant canceled on the Warrant Management System January 29, 2004
01/29/2004	31	Clerk's Minutes on Probation Hearing: (Gershengorn,J) Presiding PO Paul Cashman Warrant Removed Continued to 4-9-05 original date of termination
02/03/2004		Victim-witness fee paid as assessed \$90.00
03/17/2004	32	Request filed by probation for a warrant.
03/17/2004		Warrant was entered onto the Warrant Management System March 17, 2004
03/17/2004		Default removed; warrant recalled
03/17/2004	33	Clerks Minutes on Probation Hearing Muse J. Presiding--Probation Officer Stephen Mulloy-- Warrant Removed--Court Reporter Erin Reardon (MD/AC)
03/18/2004		Habeas Corpus for Deft at Norfolk House of Correction 03-25-04
03/25/2004	34	Affidavit of indigency filed; approved (Pasquale,CM)
03/25/2004	35	Statement of appointment: Daniel Flaherty appointed as counsel for defendant From the Court list in successive order (Pasquale,CM)
03/25/2004	36	Order Assessing statutory fee for appointment of Counsel \$150 (Pasquale,CM)
03/25/2004	37	Clerk's Minutes on Probation Hearing: (Quinlan,J) Presiding PO Paul Cashman Deft Atty Dan Flaherty appointment of Counsel Warrant removed Bail hearing set without bail without prejudice Custody mitt issued continued to 4-15-04 for final
03/25/2004		Reporter present: Reardon, Erin
03/26/2004		Habeas Corpus for Deft at Norfolk Jail 04-15-04
04/15/2004	38	Clerks Minutes on Probation Hearing: Judge Muse Presiding; P.O. Paul Cashman; Deft's Atty: Dan Flaherty; continued to 5/13/04 for F/S - request of P.O. (M.Day A/C)
04/15/2004		Continued until May 13, 2004
04/15/2004		Reporter present: Reardon, Erin
05/06/2004		Habeas Corpus for Deft at Dedham Jail 05-13-04
05/13/2004	39	Clerk's Minutes on Probation Hearing: (Hely,J) Presiding PO Paul Cashman Deft Atty Flaherty continued to 6-10-04 for final surrender
05/13/2004		Reporter present: Reardon, Erin
06/01/2004		Habeas Corpus for Deft at Norfolk County Jail 06-10-04
06/10/2004	40	Notice of assignment of counsel filed. Daniel Paul Flaherty, Esq.
06/10/2004	41	Clerks Minutes on Probation Hearing: Judge Hines Presiding; P.O. Paul Cashman; Deft's Atty: Daniel Flaherty; Final Surrender Hearing Stipulated; Result: Court finds defendant in violation of probation, on 2002-1821-001. The court orders defendant to be sentenced to the Billerica House of Correction with 77 days of jail credit. Mittimus issued. On 2002-1821-002 and 2002-1821-003 probation is this day terminated. (Lucie Pasquale, CM)
06/10/2004		Mittimus issued



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06/10/2004	Reporter present: Lynch, Jr., John M.
02/04/2005	42 Motion by Deft: for Appeal of Bail (copy to DA)

Assault and Battery by Means of a Dangerous Weapon
C.265, §15A(b)

Commonwealth of Massachusetts

Middlesex, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE, within

and for the County of Middlesex, on the First Monday of November in the year of our Lord two thousand and two.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That Barry Davis

on the Tenth day of September in the year of our Lord two thousand and two at Somerville, in the County of

Middlesex aforesaid, by means of a dangerous weapon, to wit: a ring did assault and beat Aurora O'Neil.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

M. (M. D.) M. S.
Foreman of the Grand Jury.

Jan Gordon
Assistant District Attorney.

Superior Court

November, Sitting, 2002

H. H.
day - Returned by the Grand Jury and filed in Court.

Lucie Pasquale
Assistant Clerk

ORIGINAL

2002-1821-001

Assault and Battery Causing Serious Bodily Injury PG
C.265, §13A(b)

Commonwealth of Massachusetts

Middlesex, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE, within

and for the County of Middlesex, on the First Monday of November in the year of our Lord two thousand and two.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That Barry Davis

on the Tenth day of September in the year of our Lord two thousand and two at Somerville, in the County of

Middlesex aforesaid, did assault and beat Aurora O'Neil and by such assault and battery caused serious bodily injury

to Aurora O'Neil.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

W. (M. & W.)
Foreman of the Grand Jury.

Jan Gordon
Assistant District Attorney.

Superior Court

November Sitting, 20 02

4 day - Returned by the Grand Jury and filed in Court.

Lucie Pasquale
Assistant Clerk

ORIGINAL

2002-1871-003

Threat to Commit Crime
C.275, §2&4

Commonwealth of Massachusetts

PG
2 prob
CW002

Middlesex, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE, within
and for the County of Middlesex, on the First Monday of November in the year of our Lord two thousand and two.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That Barry Davis

on the Tenth day of September in the year of our Lord two thousand and two at Cambridge, in the County of
Middlesex aforesaid, did threaten to commit a crime against the person of Aurora O'Neil, or the property of Aurora
O'Neil, to wit: bodily harm .

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

La (M. L.) Will

Foreman of the Grand Jury.

John Gordon
Assistant District Attorney.

Superior Court

November, Sitting, 2002

4th
day - Returned by the Grand Jury and filed in Court.

Lucie Pasquale
Assistant Clerk

ORIGINAL

2002-1821-003